

# State of South Dakota

## EIGHTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2011

400S0202

### SENATE BILL NO. 48

Introduced by: The Committee on Commerce at the request of the Department of Revenue  
and Regulation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the consumption of  
2 distilled spirits in public and to provide certain penalties for consumption of alcoholic  
3 beverages.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 35-1-5.3 be amended to read as follows:

6 35-1-5.3. It is a Class 2 misdemeanor for any person to consume ~~any~~ distilled spirits in any  
7 public place, other than upon the premises of a ~~licensed~~ an on-sale dealer that is licensed to sell  
8 distilled spirits or upon the location set forth in a permit granted by section 2 of this Act. For  
9 purposes of this section, the term, public place, means any place, whether in or out of a building,  
10 commonly and customarily open to or used by the general public, and any street or highway.  
11 ~~—The board of county commissioners may permit the consumption, but not the sale, of any~~  
12 ~~alcoholic beverage on property owned by the public or by a nonprofit corporation within the~~  
13 ~~county, but outside the limits of any municipality. The governing body of a municipality may~~  
14 ~~permit the consumption, but not the sale, of any alcoholic beverage on the property owned by~~  
15 ~~the public or by a nonprofit corporation within the municipality. The permit period may not~~



~~exceed twenty-four hours, and hours of authorized consumption may not exceed those permitted for on-sale licensees.~~

~~— It is a Class 2 misdemeanor for any person to consume any alcoholic beverage upon the premises of a licensed on-sale dealer if the alcoholic beverage was not purchased from the on-sale dealer.~~

Section 2. That chapter 35-1 be amended by adding thereto a NEW SECTION to read as follows:

The board of county commissioners or the governing body of a municipality may permit the consumption, but not the sale, of any alcoholic beverage on property owned by the public or by a nonprofit corporation within its jurisdiction. The permit period may not exceed twenty-four hours and the hours of authorized consumption may not exceed those permitted for on-sale licensees. However, a municipality or county may permit the sale of alcoholic beverages on publicly owned property or property owned by a nonprofit corporation if it is during a special event for which a temporary license has been issued pursuant to § 35-4-124.

Section 3. That chapter 35-1 be amended by adding thereto a NEW SECTION to read as follows:

It is a Class 2 misdemeanor for any person to consume any alcoholic beverage upon the premises of a licensed on-sale dealer if the alcoholic beverage was not purchased from the on-sale dealer.